

Practitioner's Docket No. SST/1148

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alfred D. Commins, Robert C. Gregg, William F. Leek, Karen W. Colonias, and Arthur R. Linn

Application No.: 09/922,581
Filed: 08/03/01
For: Building Wall for Resisting Lateral Forces

Group No.: 3635
Examiner: Beth A. Stephan

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AUG 23 2002

Commissioner for Patents
Washington, D.C. 20231

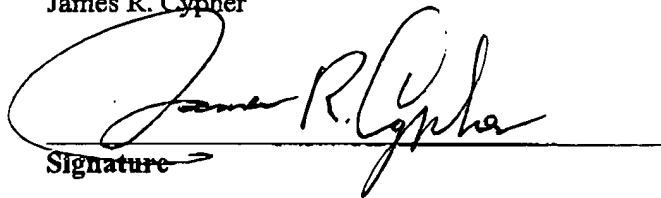
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AUG 23. 2002
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James R. Cypher



Signature

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TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))

Identification of Person(s) Making This Disclaimer

I, James R. Cypher, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

- deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231
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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

DISCLAIMER
(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)

Petitioner hereby disclaims, except as provided below, the terminal part of all claims of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 08/975,940, filed on November 21, 1997, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 08/975,940, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

COMMON OWNERSHIP

The instant application and Application No. 08/975,940, are commonly owned. The inventors, Alfred D. Commins, Robert C. Gregg, William F. Leek, Karen W. Colonias, and Arthur R. Linn are the same in the instant application and Application No. 08/975,940. The assignee, Simpson Strong-Tie Company, Inc., is the same in the instant application and Application No. 08/975,940.

The Inventorship Identification in Application No. 08/975,940, identifying the inventors as Alfred D. Commins, Robert C. Gregg, William F. Leek, Karen W. Colonias, and Arthur R. Linn, was received by the USPTO on January 20, 1998. The Assignments from Alfred D. Commins, Robert C. Gregg, William F. Leek, Karen W. Colonias, and Arthur R. Linn to Simpson Strong-Tie Company, Inc. were recorded in the USPTO on April 20, 1998 and Reel/Frame 9145/0008.

The Inventorship Identification in the instant application, identifying the inventors as Alfred D. Commins, Robert C. Gregg, William F. Leek, Karen W. Colonias, and Arthur R. Linn, was received by the USPTO on August 3, 2001. The Assignments filed in Application No. 08/975,940 apply to continuations, as in the instant application, and all inventors are under a duty to assign the instant invention to Simpson Strong-Tie Company, Inc.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

Other than a small entity--fee \$110.00.

FEE PAYMENT

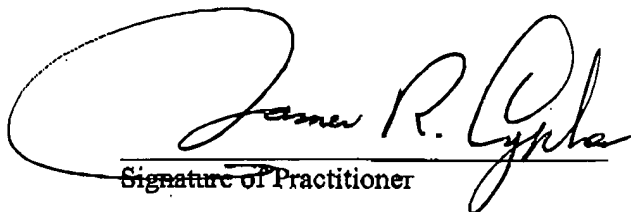
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A duplicate of this disclaimer is attached.

Date: AUGUST 23, 2002

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Signature of Practitioner

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